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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2010-2011 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The resources for the biennium 2010-2011 before recosting amount to $301,895,900 gross ($279,847,400 net) and reflect a net decrease in real terms of $74,337,000 gross, or 19.8 per cent ($62,219,600 net or 18.2 per cent), compared to the revised appropriation for 2008-2009.

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I. Introduction

1. The terms of reference of the International Tribunal for the Former Yugoslavia were established by the Security Council in its resolution 808 (1993). The statute of the Tribunal, adopted by the Security Council in resolution 827 (1993), provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and the Registry. The activities for which the Tribunal is responsible are also set out in the statute.

2. The Security Council, in its resolution 1329 (2000), expressed its continuing conviction that the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia contributed to the restoration and maintenance of peace in the former Yugoslavia.

3. The report on the judicial status of the Tribunal and the prospects for referring certain cases to national courts (S/2002/678) was endorsed on 23 July 2002 by a statement of the President of the Security Council on behalf of the Council (S/PRST/2002/21). The report presented the completion strategy of the Tribunal, setting 31 December 2004 for the conclusion of all new investigations, 31 December 2008 for the completion of first-instance trials and 31 December 2010 for the completion of appeals. The first major milestone has been met with all investigations having been completed and the last new indictments confirmed by the Chambers at the end of 2004.

4. At the time of writing of the present report, there are only four cases in pretrial proceedings. In all four of these cases, the trials are scheduled to start in 2009. The progress made in pretrial and trial activity has allowed the Tribunal to make a reasonable forecast as to the anticipated completion of all first-instance trials. At present, that assessment indicates that out of eight cases scheduled for the biennium 2010-2011 (involving 15 accused), five trials will be completed during 2010, two during the first quarter of 2011 and the remaining trial will extend to February 2012. The slippages foreseen in estimated completion dates are for the most part attributable to the late arrest of fugitives, whose trials could have been joined with those of other accused (with the same crime base) had they been apprehended earlier. The postponement in the conclusion of trials will have a consequential impact on the expeditious completion of appellate activity. Based on the workload of the Appeals Chamber, it is now anticipated that the completion of all appeals will not be prior to 2013. Updated information on the progress made in achieving the goals of the completion strategy will be provided by the President of the Tribunal and the Prosecutor in their joint biannual reports to the Security Council.

5. A trial schedule reflecting these timelines has been used by the Tribunal in order to determine the resource requirements for the biennium 2010-2011. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly from that used for the formulation of the 2010-2011 budget proposal, the requirements would have to be reassessed and realigned and any additional requirements would be addressed in the context of the performance reports for the biennium 2010-2011. Likewise, it should be noted that the trial schedule and the related budget proposal do not take into account the resource requirements relating to the trials of the two fugitives who remain at large.

6. The completion strategy comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the established timeline; and (b) the transfer of certain cases against persons indicted by the Tribunal to competent national jurisdictions in the former Yugoslavia.

7. During the biennium 2010-2011, five main developments will affect the workload of the Tribunal in support of the first pillar, namely: (a) the continued undertaking of a seventh trial during the first three quarters of 2010; (b) the high complexity of trials and appeals resulting from multiple-accused cases; (c) the completion of seven first-instance trials during the biennium 2010-2011; (d) an increase in the number and complexity of appeals, both interlocutory and appeals on merits; and (e) a reduction in first-instance trial activity as from the third quarter of 2010, following the completion of trials.

8. To further ensure the expeditious completion of first-instance trials, the Tribunal has been running a seventh trial simultaneously since late 2007 and plans to continue this measure during the first three quarters of 2010. The undertaking of a seventh trial has been made possible: (a) as a result of the decision to have the three new reserve judges sit in more than one trial; and (b) by utilizing gaps that may appear in the courtroom schedule owing to illness of the accused or counsel, the failure of witnesses to testify, judgement drafting or other unforeseen circumstances that lead to the adjournment of a proceeding. Free courtroom space will also be used for Chambers wishing to conduct additional hearings to expedite the completion of their cases. The scheduling of the seventh trial, while maximizing the use of courtroom time, will stretch to a maximum the capacity of all organs of the Tribunal.

9. In order to increase the pace of trial activity and improve judicial efficiency, in the past biennium the Chambers granted the Prosecutor's requests to join related indictments and run trials with multiple accused. Three such trials are scheduled to continue during the biennium 2010-2011. While the joining of cases has expedited the pace of trials, multiple-accused cases have the effect of generating far more motions and appeals than cases that involve a single accused, which has a consequential impact on the workload of the Chambers and of the Office of the Prosecutor. Five additional cases involving single-accused indictments are scheduled during the biennium 2010-2011, making a total of eight cases to be tried at first instance during the biennium, involving 15 accused (excluding the two fugitives who remain at large).

10. All cases on trial are expected to be appealed by either one or more parties to the proceedings. During the biennium 2010-2011, the Appeals Chamber is scheduled to complete proceedings in cases involving 21 accused, as compared to 16 in the biennium 2008-2009. A total of 32 accused will be at the appeal stage, of which 16 accused will be in proceedings involving the highest level of complexity. The increase in the number and profile of the accused will have an impact on the volume and complexity of the cases on appeal. The current workload of the Appeals Chamber fully occupies the judges and their staff. The significant increase in the workload expected during the next biennium, in particular with respect to the multi-accused cases, is such that the number of judges and their staff will need to be increased. The President of the International Tribunal for the Former Yugoslavia, following consultation with the President of the International Criminal Tribunal for Rwanda has recommended to the Security Council an increase in the membership of

the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). This will be accompanied by a corresponding redeployment of legal staff from trials to appeals in order to adequately support the strengthened Appeals Chamber during the biennium 2010-2011. In addition, with the completion of trials, there will be a reduction in the number of judges during the biennium from 26 judges (14 permanent and 12 ad litem) to 12 judges (10 permanent and 2 ad litem), which will translate into significant savings for the Chambers.

11. The working groups on speeding up trials and appeals were reconstituted in 2008 to assess the effectiveness of measures implemented and to identify fresh ways of enhancing the efficient conduct of trials and appeals. A number of measures aimed at expediting trials have been adopted, including: (a) reduction in the scope of the indictment; (b) assignment of cases to the trial chamber likely to try the case at the earliest stage possible; (c) use of agreed facts and of adjudicated facts; (d) admission of evidence in writing; (e) strict enforcement of time limits upon the parties; and (f) discouragement of duplicative evidence. In terms of appeals, based on a report of the Working Group on Speeding up Appeals, the members of the Appeals Chamber adopted a number of new recommendations, including with regard to the need to adhere strictly to the requirement of good cause to vary time and word limits, and the practice of not delaying the briefing schedule on appeal for translation of the judgement into Bosnian/Serbian/Croatian but permitting an appellant to bring a motion to amend the notice of appeal and/or appeal brief if necessary. All of these important measures will have a significant impact on the expeditious completion of proceedings.

12. In terms of judicial and administrative support, the Tribunal will continue to implement measures aimed at reducing the length of trials and improving efficiency. These include the e-Court system; the implementation of the Internet remote access to the judicial database; the Office of Document Management; and the application of the pretrial and trial lump sum defence payment system. Further, in the light of the expected high number of appellate proceedings during the next biennium, the Registry, in consultation with the Association of Defence Counsel, is finalizing a lump-sum legal-aid policy for appeals. It is envisaged that the policy will be based on a lump-sum payment system similar to those for pretrial and trial. The new appeals legal-aid policy, once implemented, is expected to have the same positive effect as the pretrial and trial policies; that is, a decrease in the administrative burden on the Tribunal's administration and on the defence, cost-efficiency and flexibility, allowing defence counsel to plan their work within available resources.

13. The first priority of the Office of the Prosecutor will be to focus on ongoing trials and appeals. In order to improve efficiency in the support of trials and appeals, the Office of the Prosecutor was restructured in the biennium 2008-2009, with the Investigations Division being merged with the Prosecution Division. As a result of this merger, investigators, analysts, researchers and other trial support staff now work directly on specific cases, under the leadership of a senior trial attorney. These measures reflect the shift of emphasis from investigations to the prosecutorial aspect of the work of the Office of the Prosecutor. Investigating staff members will, however, still have a crucial role to play in assisting the legal staff working on each case.

14. In support of the second pillar of the completion strategy, the Tribunal will continue to play an active role in monitoring the development of cases already transferred and assisting national prosecution and judicial authorities in the former Yugoslavia. The referral of cases to national jurisdictions has been central to the completion strategy. Thus far, 10 accused have been transferred by the referral bench to the War Crimes Chamber of the Court of Bosnia and Herzegovina, and two accused have been transferred to the authorities of Croatia and one accused to the authorities of Serbia for trial before the domestic courts of those countries. Neither of the two fugitives at large meet the criteria for referral to national jurisdictions and therefore no further referrals are envisaged during the biennium 2010-2011. A total of 17 investigative dossiers involving 43 persons have been transferred to national courts. The dossiers pertain to cases investigated by the Office of the Prosecutor, but for which an indictment was never issued by the Chambers. While no additional transfers of dossiers are envisaged in the biennium 2010-2011, legal support will continue to be provided by the Office of the Prosecutor after the handover of the files. The Office of the Prosecutor will also continue to monitor such trials, referred to the region under Rule 11 bis, through the Organization for Security and Cooperation in Europe (OSCE). The Office of the Prosecutor will also assist local authorities by providing information and documents, responding to multiple requests for assistance and answering questions, not only in relation to the transferred files but also in relation to other, related cases handled by the Tribunal and the local authorities. The Registry will continue to provide essential support to national courts, in particular with regard to requests for assistance in connection with documents and other evidentiary material filed with the Court, as well as issues relating to the protection of witnesses.

15. During the biennium 2010-2011, the Tribunal will be actively engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia, including participation in conferences, training seminars and other symposiums. In this context, the Office of the Prosecutor, with the support of the European Commission, will be launching a project which would permit visiting national prosecutors to spend time working in The Hague to review information and gain experience during the transition process. In the same perspective, on 28 May 2009, the Tribunal launched *The ITY Manual on Developed Practices*. This publication is aimed at preserving the institution's legacy and making its experience and know-how available to jurisdictions facing the responsibility of adjudicating international crimes. The result of a joint effort of the Tribunal and the United Nations Interregional Crime and Justice Research Institute (UNICRI), the manual provides a comprehensive description of the operating practices that the International Tribunal for the Former Yugoslavia has pioneered since its establishment. Further, the manual is an important tool for ensuring that the Tribunal's legacy lives on through the future prosecution of war crimes, crimes against humanity and genocide, not only by other international or hybrid courts but also by domestic judiciaries, particularly those in the region of the former Yugoslavia.

16. As regards the archives and the jurisprudence database, the Tribunal will continue to undertake a number of projects to support the development and implementation of an archives and records management strategy based on a consistent, standard-based approach across the two international tribunals and the United Nations Secretariat, in order to achieve responsible completion of the

mandate and to establish a preservation and access regime which meets the needs of both legacy and residual function requirements. Further, the Tribunal will start other preparatory work of a legal and administrative nature required for the smooth transfer to residual functions.

17. The overall resources required for the biennium 2010-2011 for the International Tribunal for the Former Yugoslavia amount to $301,895,900 gross ($279,847,400 net) before recosting, reflecting a net decrease in real terms of $74,337,000 gross, or 19.8 per cent ($62,219,600 net, or 18.2 per cent), compared to the revised appropriation for the biennium 2008-2009. The decrease (see table 2) reflects decreased requirements under Chambers ($3,405,100), the Office of the Prosecutor ($38,581,600), the Registry ($51,758,500) and the records management and archives component ($726,800) mainly due to the reduction in trial activity in 2011, partly offset by the funding of the accrued liabilities for payment of pensions to judges and their surviving spouses ($20,171,000).

18. For the biennium 2010-2011, the International Tribunal for the Former Yugoslavia proposes the retention of 546 temporary posts reflecting a gradual reduction of 186 posts, or 25 per cent (86 Professional, 52 General Service and 48 Security Service posts) in the current authorized staffing level of 732. It is proposed that the functions of the abolished posts be gradually phased out throughout the biennium, in line with the completion of first-instance trials. In order to ensure that the Tribunal has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that 35 posts be abolished as of 1 January 2010 and 151 posts be abolished as of 1 January 2011, as reflected in table 3, but that funding be provided through general temporary assistance to enable critical functions of the posts to be maintained in order to support the trials to be held and completed at different dates during the biennium.

19. Furthermore, based on the latest trial schedule, the Tribunal has determined that some of the functions slated for termination in 2009 would need to continue in order to maintain certain critical functions in support of the ongoing trials. The funding to maintain these functions will be provided through general temporary assistance and will be gradually reduced during the biennium.

20. It is proposed to reclassify the post of Chef de Cabinet of the President of the Tribunal from P-5 to D-1 by redeploying a D-1 post from the Office of the Prosecutor to the Office of the President of the Tribunal, which is part of the Judicial Support Division in the Registry. The reclassification is proposed in view of the increase in the amount and range of the responsibilities of the post in respect to both its judicial and quasi- and non-judicial functions. The P-5 post made available by this reclassification would be redeployed from the Judicial Support Division to the Immediate Office of the Registrar to accommodate the post of Chief of the Immediate Office of the Registrar.

21. In the Division of Administration, it is proposed to reclassify the position of Chief of the General Services Section downward, from P-5 to P-4, to better reflect the level of responsibilities of the post in view of the projected reductions in the workload.

22. It is also proposed to redeploy two posts (1 P-4 and 1 P-3) from the Office of the Prosecutor to the Press and Information Office as of 1 January 2010 and two

posts (1 P-4 and 1 P-3) from the Office of the Prosecutor to the Immediate Office of the Registrar effective 1 January 2011.

23. As indicated in the preceding paragraphs, the overall resource requirements for the biennium 2010-2011 include provisions relating to the redaction and digitization of all the audio-visual materials of the Tribunal, including the archiving of records of the Office of the Prosecutor and administrative records, and the accrued liabilities relating to the pensions of retired judges.

24. The recosting at 2010-2011 rates of the proposed budgetary provisions contained in the present report is preliminary. For salaries relating to posts in the Professional and higher categories, adjustments reflect the projected movement of post-adjustment indices in 2009. Similarly, with regard to General Service salaries, recosting takes into account the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The average vacancy rates for Professional and General Service posts realized in 2008 are proposed for the biennium 2010-2011. No attempt has been made to forecast the movement of the relevant currency vis-à-vis the United States dollar. The proposed budget will be recosted in December 2009 on the basis of the most recent data on actual inflation experience, the movement of post-adjustment indices in 2009, the outcome of salary surveys, if any, experience in regard to salary expenditure and the evolution of operational rates of exchange in 2009.

25. During the biennium 2010-2011, extrabudgetary resources are estimated at $2,086,000 and will be utilized for a variety of activities related to supporting the work of the Office of the Prosecutor and the Registry. The estimated level of extrabudgetary resources reflects a decrease of $1,392,900 owing to the completion of several projects.

Table 1

Percentage distribution of resources by component

Component	*Regular budget*	*Extrabudgetary*
1. Chambers	4.2	—
2. Office of the Prosecutor	19.3	34.7
3. Registry	68.6	65.3
4. Records management and archives	1.2	—
5. Liabilities for payment of pensions to judges and surviving spouses	6.7	—
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*[a]

Component	*2006-2007 expenditure*	*2008-2009 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2010-2011 estimate*
			Amount	*Percentage*			
1. Chambers	13 034.5	16 106.9	(3 405.1)	(21.1)	12 701.8	(392.7)	12 309.1
2. Office of the Prosecutor	99 192.2	96 849.4	(38 581.6)	(39.8)	58 267.8	(1 560.9)	56 706.9
3. Registry	237 060.0	258 727.5	(51 758.5)	(20.0)	206 969.0	(5 513.1)	201 455.9
4. Records management and archives	—	4 549.1	(762.8)	(16.8)	3 786.3	(118.1)	3 668.2
5. Liabilities: pensions of judges	—	—	20 171.0	—	20 171.0	—	20 171.0
Total (gross)	**349 286.7**	**376 232.9**	**(74 337.0)**	**(19.8)**	**301 895.9**	**(7 584.8)**	**294 311.1**
Income							
Income from staff assessment	37 262.4	33 900.6	(12 129.6)	(35.8)	21 771.0	(204.5)	21 566.5
Other income	222.8	265.3	12.2	4.6	277.5	—	277.5
Total (net)	**311 801.5**	**342 067.0**	**(62 219.6)**	**(18.2)**	**279 847.4**	**(7 380.3)**	**272 467.1**

(2) *Extrabudgetary*

	2006-2007 expenditure	*2008-2009 estimate*	*2010-2011 estimate*
Activities	3 855.2	3 478.9	2 086.0
Total	**3 855.2**	**3 478.9**	**2 086.0**
Total (1) and (2)	**315 656.7**	**345 545.9**	**274 553.1**

[a] Provisions relating to after-service health insurance for the Tribunal, estimated at $15.1 million, are included in the report of the Secretary-General on liabilities and proposed funding for after-service health insurance benefits (A/64/366).

Table 3
Post requirements

Category	*2008-2009 revised appropriation*	*Proposed reduction*		*Extrabudgetary*		*Total*	
		1 January 2010	*1 January 2011*	*2008-2009*	*2010-2011*	*2008-2009*	*2010-2011*
Professional and above							
USG	1	—	—	—	—	1	1
ASG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	5	—	—	—	—	5	5
P-5	27	(3)	(4)	—	—	27	20
P-4/3	222	(6)	(40)	—	—	222	176

Category	2008-2009 revised appropriation	Proposed reduction		Extrabudgetary		Total	
		1 January 2010	1 January 2011	2008-2009	2010-2011	2008-2009	2010-2011
P-2/1	90	(14)	(19)	—	—	90	57
Subtotal	**347**	**(23)**	**(63)**	**—**	**—**	**347**	**261**
General Service							
Principal level	11	—	(1)	—	—	11	10
Other level	239	(8)	(43)	—	—	239	188
Subtotal	**250**	**(8)**	**(44)**	**—**	**—**	**250**	**198**
Other							
Security Service	135	(4)	(44)	—	—	135	87
Subtotal	**135**	**(4)**	**(44)**	**—**	**—**	**135**	**87**
Total	**732**	**(35)**	**(151)**	**—**	**—**	**732**	**546**

II. Programme of work and resource requirements

A. Chambers

26. The Chambers comprise 14 permanent judges (nine trial judges and five judges assigned to the Appeals Chamber), 12 ad litem judges and two judges of the International Criminal Tribunal for Rwanda assigned to the Appeals Chamber. It is the judicial organ of the Tribunal, performing its core activity: determination of the guilt of persons accused of serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Through its judicial activities, the Chambers will continue to ensure that all accused persons receive a fair trial without undue delay.

27. The main objective of the Chambers for the biennium 2010-2011 is to continue to undertake up to seven trials at a time and to complete all interlocutory appeals and appeals from judgement as expeditiously as possible, through the use of 16 permanent and up to 12 ad litem judges. Maintaining this high level of activity at first instance is essential to the expeditious completion of trials. Only two accused individuals remain at large out of the 161 persons indicted. The full capacity of the Chambers will continue to be fully utilized during the biennium.

28. During the period from the beginning of 2008 to mid-2009, the Tribunal had up to seven trials running simultaneously, involving 28 accused persons. The verdict was delivered in four trials, including the first verdict in one case involving six accused. In addition, three contempt judgements were rendered. During the same period, there were 19 post-judgement cases on appeal, involving 30 convicted persons. The Appeals Chamber rendered final judgement on appeal in eight cases, as well as issuing judgements or decisions on three review applications, one contempt appeal and three appeals from decision on referral.

29. From mid-2009, three of the remaining four cases will commence and seven trials will continue to run throughout 2009. An eighth trial is currently adjourned owing to allegations of contempt, which are being investigated. Following the start

of the three new cases, the remaining case is expected to commence in November 2009. Pretrial activity will continue in each of these cases until their commencement. Appeals activity will include at least 10 appeals from judgement and numerous interlocutory, referral, contempt and review appeals as they arise.

30. During the biennium 2010-2011, it is expected that the Chambers will work on the following: up to seven trials (running concurrently until they end), 30 pre-appeal procedures, 30 appeals from final trial chamber judgements (12 from the International Tribunal for the Former Yugoslavia and 18 from the International Criminal Tribunal for Rwanda, as Appeals Chamber judges and staff work on appeals for both Tribunals) and all interlocutory appeals arising from trial. The referral bench of the Chambers will continue to be constituted. While no new referral applications are expected at the current stage, the bench deals with ongoing obligations relating to cases already transferred to domestic courts in the former Yugoslavia. In addition, it will be necessary for the Chambers to deal with contempt trials and appeals as they arise.

31. During the biennium 2010-2011, the Chambers will continue to work on the three multi-accused cases, involving up to six accused, each of which commenced during the previous biennium. Of these multi-accused cases, which resulted from the Prosecutor's policy of joining related indictments whenever possible, the one with six accused will continue to be extremely demanding of the resources of the Chambers. In addition to the fact that cases involving several accused being tried simultaneously generate far more motions at trial, they also generate more interlocutory appeals than cases involving fewer accused. The extra work generated by the multi-accused approach is considered necessary as it should reduce overall trial time substantially in comparison with holding separate trials for each of the accused. It is notable, for example, that while on average eight accused were on trial at any one time during the biennium 2004-2005, it is expected that an average 14 accused will be on trial at the beginning of 2010, with that number dropping during the fourth quarter of 2010 as the trials are brought to a close. The multi-accused cases will also reach the appeal level during the biennium, meaning that one case could comprise up to eight individual appeals, an enormous increase in complexity compared to appeal cases to date. The first such complex appeal is currently before the Appeals Chamber.

32. Detailed information on the progress made in the implementation of the completion strategy is provided in the June 2009 reports (S/2009/252, annexes I and II) and December 2008 reports (S/2008/729, annexes I and II) of the President and the Prosecutor of the Tribunal to the Security Council. At the time of writing of the present report, current projections indicate that the Tribunal will complete all but three of its trials during 2010. Two trials are expected to be completed in February 2011, with the last remaining case scheduled for completion by February 2012. All but two appeals are now envisaged for completion before the end of 2012, with the last two appeals extending into early 2013. The slippages foreseen in estimated completion dates are for the most part attributable to the late arrests of fugitives, whose trials could have been joined with those of other accused persons (with the same crime base) had they been apprehended earlier. Currently the mandate of all of the Tribunal's permanent trial and ad litem judges is due to expire on 31 December 2009 and the mandate of the appeals judges on 31 December 2010, as set out in Security Council resolution 1837 (2008) of 29 September 2008. In view of current projections and in order to allow for the necessary continuity in proceedings, the

President of the Tribunal has submitted a request to the Security Council for a further extension of the mandate of a number of permanent and ad litem judges.

33. Pursuant to the statute of the Tribunal, the maximum number of ad litem judges is 12. In order to allow the Tribunal to commence the trial of Karadzic in October 2009 without having to wait for the completion of the Popovic and others case, the Tribunal needed the assignment of an additional ad litem judge to be assigned. To that end, a request for a temporary increase from 12 to 13 during 2009 in the number of ad litem judges was submitted to the Security Council, which approved it in resolution 1877 (2009) on 7 July 2009.

34. The workload of the Appeals Chamber will continue to fully occupy the Appeals Chamber judges and their staff. The significant increase in workload expected during the biennium 2010-2011, in particular with respect to the numerous multi-accused cases currently at trial, is such that the number of judges and staff will need to be increased. In this connection, the President of the Tribunal following consultation with the President of the International Criminal Tribunal for Rwanda, has recommended to the Security Council an increase in the composition of the Appeals Chamber, from the current statutory level of seven judges (five for the International Tribunal for the Former Yugoslavia and two for the International Criminal Tribunal for Rwanda) to a total of 15 judges (nine for the International Tribunal for the Former Yugoslavia and six for the International Criminal Tribunal for Rwanda). In addition, provisions are made in the proposed budget for the redeployment of legal staff from trials to appeals to backstop the strengthened Appeals Chamber during the biennium 2010-2011.

35. The Chambers will continue to allow for a high level of courtroom activity by maximizing the use of available resources through the operation of the three courtrooms over two shifts daily, exceeding normal working hours. Trial Chambers will continue to make use of any free courtroom space to hold additional hearings in their cases. Even the two short court recesses each year, used for carrying out courtroom maintenance as well as for drafting judgements and pretrial decisions, are now open for the Chambers to use to conduct additional hearings to expedite the completion of their cases.

36. The Scheduling Working Group, chaired by the Vice-President of the Tribunal, will continue to be a key advisory tool for the completion strategy as well as an indispensable tool for budget preparation purposes. The working group is currently dealing with both trial and appeal schedules. Measures aimed at expediting appeals adopted pursuant to recommendations of the Working Group on Speeding Up Appeals will continue to be used and new measures recommended in the report of the reconstituted Working Group on Speeding Up Appeals will also be implemented. The possibility of embedding translators in French-language trial teams and in teams dealing with cases of self-represented accused persons, as well as a number of measures aimed at minimizing the impact of delays in translation on the expeditious disposal of appeals are being explored.

37. The Office of the President will continue to provide legal advice and logistical support to the President of the Tribunal in the exercise of his or her functions. The President is the highest authority of the Tribunal, acting as its institutional head. He or she is responsible for the overall execution of the mission of the Tribunal and for representing the Tribunal before its parent body, the Security Council, and the

General Assembly. The President performs representational functions vis-à-vis heads of mission, embassies of Member States and the Secretary-General.

38. Pursuant to rule 19 of the Rules of Procedure and Evidence, the President of the Tribunal also coordinates the work of the Chambers, supervises the activities of the Registry and exercises all other functions conferred on him or her by the statute and the Rules. These functions can be divided into the following three categories:

(a) Judicial functions: pursuant to article 14 (2) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2) of the statute of the International Criminal Tribunal for Rwanda, the President of the Tribunal is the presiding judge of the appeals chambers of both tribunals. The President is the sole authority responsible for assessing reports that a State has failed to comply with an obligation under the statute and, depending on the circumstances of the case, for notifying the Security Council thereof;

(b) Internal functions: pursuant to rule 23 bis of the Rules, the President of the Tribunal is the Chair of the Coordination Council responsible for ensuring the coordination of the activities of the three organs of the Tribunal;

(c) Quasi-judicial functions: pursuant to rule 23, the President is the Chair of the Bureau and is responsible for reviewing all major matters arising from the functioning of the Tribunal. The President also chairs, pursuant to rule 19 (A), the plenary meetings of the Tribunal during which the judges adopt and amend the Rules, decide upon matters relating to the internal functioning of the Chambers and the Tribunal and determine or supervise the conditions of detention.

39. Pursuant to the statute, the Rules and various directives, the President of the Tribunal is entrusted with the right of final review pertaining to matters such as the enforcement of sentences, legal aid/defence counsel issues and the application of such directives as the Rules of Detention and the Directive on the Assignment of Defence Counsel. In accordance with article 13 ter of the statute, the President is also responsible for requesting the Secretary-General to appoint ad litem judges to the trial chambers.

40. For the next biennium, a matter of primary importance for the Office of the President will be to continue to carry forward the completion strategy. Coordination must be maintained, with States and international organizations contributing, as appropriate, to the strengthening of national judicial systems of the States of the former Yugoslavia in order to facilitate the implementation of the completion strategy.

Outputs

41. During the biennium, the following outputs will be delivered:

(a) Courtroom activities: initial appearances, status conferences, pretrial conferences, trials, appeals and delivery of judgements;

(b) Decisions relating to, inter alia, review and confirmation of indictments, arrest and other warrants, various pretrial motions, motions during trial and appeal, applications for additional evidence and interlocutory appeals and reviews;

(c) Judgements on the merits in relation to trials and appeals (appeal activities are for both tribunals);

(d) Judgements on contempt cases at both trial and appeal;

(e) Review of the Rules of Procedure and Evidence, Practice Directions and the Rules of Detention and proposal of amendments to the statute of the Tribunal to the Security Council;

(f) Reports of the President to the Security Council, as requested by a trial chamber or the Prosecutor, as to non-compliance by States with orders of the Tribunal;

(g) Annual report to the General Assembly, six-monthly report to the Security Council and requests for international assistance to States;

(h) Press releases on matters of importance to the Tribunal as a whole;

(i) Special events: hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and Heads of State; establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the Tribunal; and swearing in of new judges;

(j) Relations with non-governmental organizations: requesting non-governmental organizations and others to submit amicus curiae briefs on issues of general importance under consideration by Chambers;

(k) Participation in activities within the United Nations system: annual statement by the President to the General Assembly, participation in meetings concerning the role of the Tribunal within the United Nations system, cooperation with the International Criminal Tribunal for Rwanda and participation in discussions concerning other international judicial entities;

(l) Liaison with the Office of the High Representative and the State Prosecutor of Bosnia and Herzegovina in relation to the referral of cases.

Table 4
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2008-2009*	*2010-2011 (before recosting)*	*2008-2009*	*2010-2011*
Assessed budget				
Non-post	16 106.9	12 701.8	—	—
Total	**16 106.9**	**12 701.8**	—	—

42. The amount of $12,701,800, reflecting a net decrease of $3,405,100 compared to the biennium 2008-2009, comprises non-post requirements, as follows: (a) $12,520,000 to provide compensation for 9 trial judges, 5 appeals judges and 12 ad litem judges based on 272 work-months for permanent trial and appeals judges and 168 work-months for ad litem judges; (b) $30,000 for the engagement of consultants to provide expertise not available in-house to undertake three specialized legal briefs per year; and (c) $151,800 for the travel of the President and Vice-President of the Tribunal to Headquarters in New York and to central and western Europe, of 26 judges to the Joint Judges Seminar (International Tribunal for

the Former Yugoslavia/International Criminal Tribunal for Rwanda) and of 12 judges to the field to view crime scenes.

43. The net decrease of $3,405,100 is mainly attributable to the gradual departure of 4 permanent trial judges and 10 ad litem judges, resulting from the completion of first-instance trials during the biennium 2010-2011, and reduced requirements under consultants and travel, partially offset by increases under common costs of judges and pensions of former judges due to the additional number of departing judges.

44. Costs relating to the two remaining appeals judges are included in the proposed budget for the International Criminal Tribunal for Rwanda (A/64/478).

B. Office of the Prosecutor

45. The Office of the Prosecutor is mandated to investigate and prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The role and responsibilities of the Prosecutor consist in the investigation and prosecution of the crimes listed in articles 2, 3, 4 and 5 of the statute of the International Tribunal for the Former Yugoslavia. The Prosecutor is responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those indicted and the presentation of charges and evidence against them before the Chambers of the Tribunal.

46. The biennium 2008-2009 was, for the Office of the Prosecutor, a period of intense activity marked by continued commitment to complete trials and appeals effectively in order to meet the goals of the completion strategy. It should be recalled that in December 2004 the Office of the Prosecutor met the first milestone of the completion strategy by issuing its final indictments.

47. To implement the Tribunal's completion strategy, the Office of the Prosecutor focused on transferring cases of intermediate and lower rank accused to the former Yugoslavia. The Office of the Prosecutor furthered the process of transferring cases of intermediate and lower rank accused under rule 11 bis and investigation files/dossiers to national jurisdictions. All rule 11 bis cases have now been transferred to States of the region, resulting in eight rule 11 bis referral motions (six to Bosnia and Herzegovina, one to Croatia and one to Serbia), which were granted, involving 13 accused. Further, the Office of the Prosecutor transferred directly three investigation files/dossiers involving 10 suspects to prosecutors in Bosnia and Herzegovina and it is anticipated that seven additional investigation files/dossiers, involving 20 suspects, will be transferred by the end of the current biennium to Bosnia and Herzegovina. At the end of the biennium, no further rule 11 bis cases or investigative files/dossiers are scheduled to be transferred to the region.

48. During the biennium 2008-2009, the Office of the Prosecutor undertook measures to expedite its work and increase efficiency. With a view to improving judicial efficiency and expedite trials, the Office of the Prosecutor merged related indictments, whenever possible, and ran trials with more than four accused. Consequently, two of the multiple-accused trials, involving 13 accused, are scheduled to be completed in 2009. The merger of these high-level cases resulted in a substantial overall reduction in the length of proceedings.

49. During the biennium 2010-2011, in the context of the Tribunal's completion strategy, the activities of the Office of the Prosecutor will rest on the following four important priorities:

(a) Successful completion of trials and appeals

(i) The Office of the Prosecutor will focus on ongoing trials and appeals, including the multiple-accused cases. During the biennium 2010-2011, the Office of the Prosecutor will be fully engaged in successfully completing seven of the eight remaining trials and increasing the pace of the appeals work. Eight cases are to be prosecuted and tried, involving a total of 15 accused. By March 2011, it is anticipated that the Office of the Prosecutor will have completed seven of the eight remaining trials, with the eighth trial, that of Radovan Karadzic, to be completed in the first quarter of 2012. Appeals will continue into 2012 and 2013. Based on previous experience, it is expected that each first-instance decision will be appealed. It is therefore projected that during the biennium 2010-2011, there will be 11 appeals, including in the three multiple-accused cases, involving a total of 32 persons. These projections do not take into account the trials of fugitives, should they be arrested. As at October 2009, two persons indicted by the Tribunal remain at large, Ratko Mladic and Goran Hadzic;

(ii) To keep up the pace and schedule of the Chambers and to fulfil the goals of the completion strategy, it is crucial that the Office of the Prosecutor maintain an adequate level of resources. To support trials and appeals, the Office will require to maintain a sufficient number of trial attorneys, assisted by a core investigative capacity (including researchers, analysts and trial support staff) dedicated to completing trials and appeals. Therefore, based on the court schedule projections, estimates for the biennium 2010-2011 take into account a substantial decrease in staff, commensurate with the reduced trial workload;

(iii) As in the previous biennium, resources for the Office of the Prosecutor will be allocated in accordance with a workplan which sets out the requirements for all cases to be tried in 2010 and 2011. The plan foresees adequate allocation of resources, including attorneys, investigators, analysts, researchers and trial support staff, to all cases, whether in trial or appeal. To facilitate this review, cases have been divided according to their level of complexity;

(iv) In line with the Tribunal's completion strategy, the Office of the Prosecutor will continue to undertake measures aimed at reducing the length of trials and improving judicial efficiency. Further, taking into account the fairness of the judicial process, the Office of the Prosecutor will insist on taking measures to increase judicial efficiency. The Office of the Prosecutor will insist on putting forward proposals to the Tribunal's Rules Committee, headed by judges, which formulates proposals to the Plenary of Judges, which can amend the Tribunal's Rules of Procedure and Evidence;

(v) To improve efficiency and support all trials and appeals effectively, a restructuring of and organizational changes to the Office of Prosecutor are envisaged. One such change was the merging of the Office of the Prosecutor's Investigation and Prosecution Divisions at the beginning of 2008.

Consequently, investigators, analysts, researchers and other trial support staff currently work directly on specific cases, under the leadership of a Senior Trial Attorney. The position of Chief of Investigations has been redeployed and it is anticipated that staff from the Prosecution Division will be redeployed to the Appeals Division (30 Professional and 7 General Service (Other level) posts). These measures reflect the emphasis that is now being placed on the prosecutorial aspect of the work of the Office of the Prosecutor. Investigating staff members still have a crucial role to play and will be directly available to assist the legal staff working on each case. These measures have improved internal efficiencies and have enhanced the Office's work product;

(vi) The reorganization of the Office of the Prosecutor included positioning the Transition Team, the Tracking Team and Field Office operations under the direct supervision of the Prosecutor assisted by the Deputy Prosecutor. This measure improved coordination in matters of cooperation with the States of the former Yugoslavia, which includes the tracking of fugitives, the transfer of cases and the provision of assistance to those States, together with capacity-building efforts. This internal reorganization reflects the importance of the transfer and tracking efforts undertaken by the Office of the Prosecutor, which will remain priorities for the biennium 2010-2011;

(vii) Another aspect of the internal reorganization was the strengthening of the Appeals Division, which is no longer part of the Immediate Office of the Prosecutor and is headed by a Director. As of 2009, the workload has increased, as multiple-accused cases are appealed. Experience shows that judgements in almost all such cases result in an appeal. The increase in the number of accused to be tried in the biennium 2010-2011, particularly with the arrests of Karadzic and Zupljanin, will have an impact on the volume and complexity of the cases on appeal and generate extensive additional work. Further, interlocutory appeals during the trials will generate more complex work, in particular for the multiple-accused cases, as they raise new complex legal issues. Therefore, it is proposed to redeploy a number of posts internally from the Prosecution Division.

(b) Tracking and arrest of fugitives

(i) The Office of the Prosecutor will remain actively engaged in seeking the arrest of the two fugitives who remain at large, Ratko Mladic and Goran Hadzic. The tracking and arrest of those two fugitives will remain a priority for the Office of the Prosecutor during the biennium 2010-2011;

(ii) No resources are being estimated in the present report for the event that the fugitives are arrested. The Secretary-General will revert to the General Assembly with a detailed request for resources should either of the two fugitives be arrested during the biennium 2010-2011. The Office of the Prosecutor is of the opinion that the remaining fugitives should be tried in The Hague. However, even if they are still at large after 2012, when the Tribunal has completed all first-instance trials, they must not escape international justice and must be tried by an international tribunal, preferably the International Tribunal for the Former Yugoslavia.

(c) Transition

(i) All rule 11 bis cases have been transferred to the region and very little support work is required. In addition, it is anticipated that all category II cases will be transferred to the region by the end of 2009. This will require work to support the State Prosecutor's Office in Bosnia and Herzegovina. A further priority of the Office of the Prosecutor's strategy in the biennium 2010-2011 is to continue to support national prosecution and judicial authorities in the former Yugoslavia;

(ii) The core functions of the Transition Team are consistent with the Office of the Prosecutor's expressed commitment to transfer of the responsibility for war crimes prosecutions from the international to the national level and related capacity-building. In his November 2008 report to the Security Council, the Prosecutor expressed his assessment that interaction with national prosecutors in the former Yugoslavia were continuing to develop, as were efforts to transfer know-how and help build the capacity of national courts (S/2008/729, para. 65);

(iii) The members of the Transition Team have developed procedures and have become very skilled and experienced in handling the material of the Office of the Prosecutor, applying great diligence in distinguishing "public" and confidential material and applying the respective procedures. To ensure the same standard of quality and efficiency at this interface between local prosecution offices/courts and the Office of the Prosecutor, core staffing is required to support this work during the biennium 2010-2011;

(iv) The Transition Team assembles and organizes available evidence, reviews the evidence, contacts witnesses, handles witness protection questions and other issues of confidentiality such as issues related to the protection of material under rule 70. During and after the transfer of files, the Transition Team continues to assist local authorities by providing information and documents, responding to multiple requests for assistance and addressing queries, not only in relation to the transferred files but also in relation to other related cases handled by the Tribunal. The Transition Team has also granted local prosecutors access to document databases and specific formalized arrangements have been made to ensure them access to the Office of the Prosecutor's evidence collection, including the Electronic Disclosure System, which is an electronic database containing the majority of the evidence collection;

(v) The Office of the Prosecutor, in association with the Chambers and the Registry, will continue to be actively engaged in other capacity-building activities. Through frequent contacts with the prosecutors and courts, the Office will continue to participate in conferences, training seminars and other symposia. In this connection, the Office of the Prosecutor developed a project with the support of the European Commission allowing visiting national prosecutors to spend time working with the Transition Team in order to access information and gain experience in the transition process.

(d) Legacy

As the dates of completion draw near, the Office of the Prosecutor will devote special attention to the legacy of the Tribunal's work. Some of the work product and

tools of the Office will need to be preserved. The Immediate Office of the Prosecutor will play a central role in legacy matters, in coordination with the Registry and the Chambers. The Office of the Prosecutor is currently actively involved in the working groups in relation to archiving and the residual mechanism. This activity will continue during the biennium 2010-2011.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: To investigate and prosecute in a timely and fair manner persons responsible for serious violations of international humanitarian law and ensure that the requirements of the Security Council are fulfilled with regard to the implementation of the completion strategy and to position the Office of the Prosecutor for the transfer of criminal cases against accused persons to the national courts of the former Yugoslavia

Expected accomplishments	Indicators of achievement
(a) Effective management and implementation of the completion strategy	(a) Number of first-instance trials completed during the biennium *Performance measures*: 2006-2007: 6 first-instance trials Estimate 2008-2009: 7 first-instance trials Target 2010-2011: 7 first-instance trials
(b) Gradual transfer of indicted cases and investigative files to national jurisdictions in the region	(b) Number of investigation files and dossiers transferred to local prosecutors in the region *Performance measures*: 2006-2007: 5 files (9 persons) Estimate 2008-2009: 10 files (30 persons) Target 2010-2011: no file
(c) Efficient utilization of trial and appeal support resources	(c) (i) Number of ongoing trials *Performance measures*: 2006-2007: 6 concurrent trials Estimate 2008-2009: 7 concurrent trials Target 2010-2011: 7 concurrent trials (ii) Number of accused in appeals on the merit proceedings completed during the biennium

	Performance measures:
	2006-2007: 11 persons
	Estimate 2008-2009: 11 persons
	Target 2010-2011: 22 persons
(d) Enhanced readiness of cases at pretrial litigation	(d) (i) Number of cases in pretrial litigation
	Performance measures:
	2006-2007: 9 cases
	Estimate 2008-2009: 8 cases
	Target 2010-2011: 2 cases
	(ii) Percentage of deadlines met without extensions
	Performance measures:
	2006-2007: 85 per cent
	Estimate 2008-2009: 100 per cent
	Target 2010-2011: 100 per cent

External factors

50. The Office of the Prosecutor is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of judiciaries in the States of the former Yugoslavia, including the War Crimes Chamber of the Court of Bosnia and Herzegovina, so that cases may be transferred and tried at the domestic level, and (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings and the availability of witnesses to certify statements and provide testimony.

Outputs

51. During the biennium, the following outputs will be delivered:

(a) Investigative outputs: witness statements, expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses; reports of on-site investigations; reports on military and civilian political structures and events, on arrests of fugitives, on intelligence related to suspects and fugitives and on missions; collection of evidence; reports generated through computer searches of collected evidence for documents relevant to investigations, trials and appeals and reports generated by computer searches for purposes of disclosure under different rules; demographic reports and maps; requests for

assistance; unofficial translations and English summaries of documents written in Bosnian, Croatian or Serbian; limited project-based exhumation work; and training;

(b) Prosecution outputs: filings related to the prosecution of cases and appeals, including: amended indictments, motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements and miscellaneous applications for orders from judges or trial chambers, including applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(c) Outputs related to trial preparation: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence; training courses including induction, legal issues and advocacy; and legal opinions on issues of international law;

(d) Information management outputs: indexes of evidentiary material and information sources, including witness statements, videotapes and audiotapes, intelligence material submitted under rule 70, and press and other relevant, freely accessible material; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and modifications to computer systems, and database applications for the Office of the Prosecutor, including the Electronic Disclosure System and CaseMap and Sanction software packages; and training courses for all staff;

(e) Provision of support for the transfer of cases to the States of the former Yugoslavia: preparation of investigation files, review and preparation of evidence, analysis of case files, exchange of knowledge with domestic prosecution authorities, exchange of know-how and training;

(f) Legacy issues: engaging in coordination with the Registry and Chambers in the preparation of the files and electronic data to be preserved and forming part of the Tribunal's legacy;

(g) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals, budget preparation, reports on activities of States relevant to cooperation; and press releases, speeches, statements and briefings.

Table 6
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2008-2009*	*2010-2011 (before recosting)*	*2008-2009*	*2010-2011*
Assessed budget				
Post	57 696.2	32 979.4	195	117
Non-post	27 251.1	19 821.7	—	—
Staff assessment	11 902.1	5 466.7	—	—
Subtotal	**96 849.4**	**58 267.8**	**195**	**117**
Extrabudgetary	349.0	722.9	—	—
Total	**97 198.4**	**58 990.7**	**195**	**117**

Table 7
Post requirements

Category	2008-2009 revised appropriation	Proposed reduction		Extrabudgetary		Total	
		1 January 2010	1 January 2011	2008-2009	2010-2011	2008-2009	2010-2011
Professional and above							
USG	1	—	—	—	—	1	1
D-2	1	—	—	—	—	1	1
D-1	2	(1)	—	—	—	2	1
P-5	11	—	(3)	—	—	11	8
P-4/3	86	(8)	(21)	—	—	86	57
P-2/1	30	(13)	(3)	—	—	30	14
Subtotal	**131**	**(22)**	**(27)**	**—**	**—**	**131**	**82**
General Service							
Principal level	1	—	(1)	—	—	1	—
Other level	63	(7)	(21)	—	—	63	35
Subtotal	**64**	**(1)**	**(22)**	**—**	**—**	**64**	**35**
Total	**195**	**(29)**	**(49)**	**—**	**—**	**195**	**117**

52. Resources under posts and staff assessment in the amount of $32,979,400 and $5,466,700, respectively, would provide for the continuation of 117 temporary posts required during the biennium 2010-2011. The reduction under posts ($24,716,800) and staff assessment ($6,435,400) relates to the gradual abolition or redeployment of 78 posts in 2010 and 2011, consisting of 49 Professional, 1 General Service (Principal level) and 28 General Service (Other level) posts, as reflected in table 7, and the removal of the biennium 2008-2009 first-year provision for the 130 posts abolished as of 1 January 2009.

53. The phasing out of functions of posts in the Office of the Prosecutor will be implemented in stages throughout the biennium 2010-2011 in line with the completion of first-instance trials and consequential reduction of the workload, as follows: (a) January 2010: 9 posts (1 P-3, 5 P-2 and 3 General Service (Other level)); (b) June 2010: 7 posts (1 P-3, 3 P-2 and 3 General Service (Other level)); (c) August 2010: 2 posts (2 P-2); (d) October 2010: 2 posts (1 P-3 and 1 P-2); (e) November 2010: 6 posts (1 P-4, 2 P-3, 2 P-2 and 1 General Service (Other level)); (f) January 2011: 8 posts (2 P-3, 2 P-2, 1 General Service (Principal level) and 3 General Service (Other level)); (g) March 2011: 39 posts (3 P-5, 5 P-4, 12 P-3, 1 P-2 and 18 General Service (Other level)). In order to ensure that the Office has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that 26 posts whose functions will be phased out during 2010 be abolished as of 1 January 2010 and 47 posts whose functions will be phased out during 2011 be abolished as of 1 January 2011, but that funding be provided through general temporary assistance to enable critical functions of the posts to be maintained to support the trials to be held and completed at different dates during the biennium, as described above.

54. It is proposed to redeploy three posts from the Office of the Prosecutor to the Registry as of 1 January 2010, as follows: 1 D-1 to accommodate the reclassification of the post of Chef de Cabinet of the President of the Tribunal and 1 P-4 and 1 P-3 post to the Press and Information Office. In addition, in order to support the preparatory legal work associated with the Tribunal's transition to residual functions, it is proposed to redeploy two posts (1 P-4 and 1 P-3) from the Office of the Prosecutor to the Immediate Office of the Registrar in January 2011.

55. Non-post requirements in the amount of $19,821,700, reflecting a decrease of $7,429,400, would provide for general temporary assistance including peak trial and appeals support, the document translating and indexing project, overtime, expert witnesses and consultants to assist trial teams in the trial stages of proceedings, travel of investigators and prosecutors and contractual services for the ongoing training of the staff of the Office of the Prosecutor.

56. The provision under general temporary assistance also includes requirements to cover the functions of posts abolished in 2009 which are still needed during the biennium 2010-2011. It is proposed to gradually reduce these requirements during the biennium. The total requirements in this respect for the biennium are estimated at 1,230 work-months.

57. The decrease of $7,429,400 reflects reduced requirements under other staff costs ($6,481,600), consultants and experts ($73,800), travel of staff ($800,400) and contractual services ($73,600), mainly due to the reduction in trial activity in 2011.

C. Registry

58. The Registry is responsible for the judicial administration of the Tribunal. It is composed of four main organizational units, namely, the Office of the Registrar, the Judicial Support Division, the Registry Advisory Section on Legal and Policy Matters, and the Division of Administration. For budgetary purposes, the Office of the President and the resident auditors are included under the Registry.

59. For the biennium 2010-2011, the Registry will focus on five principal objectives:

(a) Provision of continued support to trials and appeals in order to complete the Tribunal's mandate, particularly the completion of first-instance trials;

(b) Provision of continued support to national courts in the former Yugoslavia in connection with cases and dossiers of mid-level and lower-level accused and suspects, respectively, transferred to national jurisdictions, including the transfer of know-how and capacity-building;

(c) Preparation of transition towards the residual functions required after the conclusion of all trials and appeals, including assisting in the articulation and identification of the legacy of the Tribunal to stakeholders in the former Yugoslavia and beyond;

(d) Enhancement of the Tribunal's communications strategy;

(e) Provision of support to administrative policies and practices concerning staff retention, including establishing appropriate career transition policies as well

as staff training and development, and ensuring that the downsizing exercise is undertaken in a fair and transparent manner.

60. The Registry will continue to support and facilitate the expeditious conduct of proceedings, many of which involve high-level perpetrators. Throughout most of 2010, the Registry will be supporting the undertaking of seven simultaneous trials, one of which is a trial involving six accused. The Registry's capacity will be stretched to its limits and will be dedicated to ensuring efficient and fair trials. This remains the main priority for the biennium 2010-2011 as the Tribunal continues to focus on expediting proceedings. The need for efficient proceedings is all the more crucial in view of factors beyond the Tribunal's control, which may have an impact on the speed with which trials and appeals can be completed. For example, delays in the proceedings resulting from requests for review of cases already concluded, unforeseen disclosure of materials, requests for replacement of defence counsel, illness of the accused or counsel, the availability of witnesses to provide testimony and State cooperation may affect the timely completion of a trial or appeal.

61. In addition, it is envisaged that, during the biennium, there will be up to three cases involving self-represented accused. This will have an impact on the workload of the Judicial Support Services Division and, in particular, the Conference and Language Services Section and Court Management Support Services from the perspective of ensuring that the self-represented accused are provided with adequate facilities, documentation and resources for the conduct of their defence.

62. The Registry will continue to support the implementation of measures aimed at reducing the length of trials and appeals and improving efficiency. These include the e-Court system, which is being successfully applied to all proceedings. The implementation of Internet remote access to the judicial database (including for the State Court of Bosnia and Herzegovina) has enabled defence counsel to access the network from any location, thereby assisting in the efficient preparation and conduct of cases. Efficiency will also continue to be supported by: (a) the Office of Document Management, which saves on translation resources by avoiding duplication of translation requests; (b) the application of the pretrial and trial lump-sum defence payment system, which compels defence teams to prepare their strategies in advance of trial; and (c) the Defence Counsel Network, which has resulted in a more effective distribution of case-related documents.

63. In view of the increased number of appellate proceedings anticipated for the biennium 2010-2011, the Registry, in consultation with the Association of Defence Counsel, is currently finalizing a lump-sum legal aid policy for appeals. It is anticipated that the policy will be based on a lump-sum payment system similar to those for pretrial and trial. The new appeals legal aid policy, once implemented, is expected to have the same positive effect as the pretrial and trial policies; that is, a decrease in the administrative burden on the Tribunal's administration and the defence, cost efficiency and flexibility allowing defence counsel to plan their work within available resources.

64. In support of the second objective, the Registry has played a central coordinating role in assisting the development of the War Crimes Chamber of the State Court of Bosnia and Herzegovina. The Registry has also provided assistance in connection with the transfer of cases to national jurisdictions under rule 11 bis of the Rules of Proceedings and Evidence. While no additional transfers of cases under rule 11 bis are scheduled for the biennium 2010-2011, the Registry will continue to

provide essential support to national courts, in particular with regard to requests for assistance in connection with documents and other evidentiary material filed with the Tribunal, as well as in relation to the continuing protection of witnesses. The Registry will also be engaged in the transfer of know-how and in other capacity-building activities in the region of the former Yugoslavia, including through participation in conferences, training seminars and other symposiums.

65. Over the past few years, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have been discussing with the Office of Legal Affairs and the Informal Working Group on Tribunals of the Security Council the residual functions to be transferred to the proposed residual mechanism, as well as possible locations for the Tribunals' archives and the seat of the residual mechanism. The Office of Legal Affairs, in consultation with the Tribunals, has prepared a report on the above subjects for consideration by the Security Council (S/2009/258).

66. With regard to the fourth objective, the Communications Section will continue to promote the Tribunal's work and achievements through its daily contacts with the media. The Tribunal intends to foster awareness of the whole range of its activities and achievements by enhancing its communications strategy. This will also include strengthening the cooperation and exchange of information with stakeholders within and outside the former Yugoslavia, namely, local legal communities, non-governmental organizations, the media, educational institutions, victims' associations, women's groups, truth and reconciliation commissions, other professional bodies and the general public. In this connection, a restructuring of the Registry is proposed with a view to further developing efficiencies and coordination between the Communications Section and the Immediate Office of the Registrar.

67. The fifth main objective encompasses special measures to retain staff, including measures aimed at career transition and meeting staff development and training needs. To that end, the Tribunal in 2009 launched a comprehensive career development programme to support the career transition and development of staff of the Tribunal. In that connection, the Division of Administration will continue to implement the training and study programmes, initiated in the biennium 2008-2009, aimed at enhancing staff skills in the area of management, personal development and technical training. The Registry will continue to support these initiatives throughout the biennium 2010-2011, including by enabling staff, many of whom will be downsized during this period, to serve on missions or to engage in cross-training, as well as by assisting them to explore future employment opportunities. During the biennium 2010-2011, the Division of Administration, in consultation with the International Criminal Tribunal for Rwanda, will propose for the consideration of the General Assembly a set of measures for implementation during the downsizing stages of the Tribunal. Further, the Registry has been actively engaged in formulating a procedure to be used for the downsizing of posts in the biennium 2010-2011 in consultation with staff representatives. The Registry is committed to ensuring that this exercise will be implemented and communicated in an open and transparent manner, taking into consideration the interests of both the staff and the organization.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective: The efficient administration and servicing of the Tribunal by the management of judicial, administrative and legal support to Chambers, the Office of the Prosecutor and, in a limited fashion, the defence, in line with the statute of the Tribunal, the Rules of Procedure and Evidence, United Nations regulations and rules and the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Timely implementation of formal actions taken in accordance with the agreed-upon completion strategy	(a) Percentage of actions completed on time *Performance measures*: 2006-2007: 95 per cent Estimate 2008-2009: 95 per cent Target 2010-2011: 95 per cent
(b) Increased public awareness of the activities of the Tribunal	(b) (i) Number of visitors to the Tribunal's website (virtual visitors) *Performance measures*: 2006-2007: 60 million hits Estimate 2008-2009: 70 million hits Target 2010-2011: 80 million hits (ii) Number of visitors to the Tribunal's premises (physical visitors) *Performance measures*: 2006-2007: 12,500 visitors Estimate 2008-2009: 14,000 visitors Target 2010-2011: 15,500 visitors
(c) Improved dissemination of information in the Bosnian, Croatian and Serbian languages (for court proceedings, considered by the Tribunal to be one language)	(c) Number of days between receipt and distribution of material *Performance measures*: 2006-2007: 0 to 2 days Estimate 2008-2009: 0 to 2 days Target 2010-2011: 0 to 2 days

(d) Needs of clients for sound, comprehensive and timely advice on legal and related policy matters are met	(d) (i) Number of international agreements negotiated and contracts on which advice is given *Performance measures*: 2006-2007: 110 agreements Estimate 2008-2009: 110 agreements Target 2010-2011: 110 agreements (ii) Number of administrative matters and those concerning the host country statute and Rules on which advice is given *Performance measures*: 2006-2007: 120 Estimate 2008-2009: 120 Target 2010-2011: 100
(e) Effective legal support provided to judges	(e) Number of timely oral and written decisions and judgements *Performance measures*: 2006-2007: 3,516 Estimate 2008-2009: 3,450 Target 2010-2011: 2,000
(f) Successful compliance with the Tribunal's legal aid system	(f) Number of cases in which a supplemental payment is required to ensure a fair trial *Performance measures*: 2006-2007: 4 cases Estimate 2008-2009: 3 cases Target 2010-2011: 3 cases
(g) Improved judicial support services provided to Chambers, the Office of the Prosecutor and defence counsel	(g) Level of client satisfaction *Performance measures*: 2006-2007: 95 per cent Estimate 2008-2009: 95 per cent Target 2010-2011: 95 per cent

(h) Increased effectiveness of administrative services	(h) Degree of satisfaction expressed by recipients of various administrative services *Performance measures*: 2006-2007: 95 per cent Estimate 2008-2009: 95 per cent Target 2010-2011: 95 per cent

External factors

68. The Registry is expected to meet its objective and expected accomplishments on the assumption that: (a) the States of the former Yugoslavia cooperate in the arrest and transfer of indicted persons to The Hague and in the provision of information; (b) there is normal functioning of the War Crimes Chamber of the Court of Bosnia and Herzegovina and judiciaries in other countries of the former Yugoslavia to permit the referral of cases; (c) there are no delays in the proceedings for reasons beyond the Tribunal's control, such as illness of the accused, unforeseen disclosure of material, requests for replacement of defence counsel, requests for review of cases already tried, other motions affecting the proceedings or the availability of witnesses to certify statements and provide testimony; and (d) the Tribunal is able to retain staff until their services are no longer needed.

Outputs

69. During the biennium, the following outputs will be delivered:

(a) Victims and Witnesses Section: provision of safe transportation of witnesses from their residence to The Hague, liaison with States for exit and entry permits, travel documents, safe-conduct agreements and visas for pretrial and post-trial protection; provision of support services for the temporary and permanent relocation of witnesses; liaison with host Governments for the protection, safe accommodation and transportation of witnesses during trials; and implementation of the Tribunal's policies regarding the reimbursement of entitlements such as lost earnings and clothing allowance;

(b) Defence counsel services: provision of access to legal assistance for suspects and accused persons; revision of claims of indigence from suspects and accused persons; and implementation of the directive on the assignment of defence counsel and legal aid practices;

(c) Court management: implementation of procedures relating to the confirmation, amendment or withdrawal of indictments, the issuing of arrest warrants, the addressing of cases of failure to execute a warrant, the appearance of the accused, detention on remand and provisional release and procedures to obtain depositions; organization and scheduling of trials and other hearings, cases of contempt of court, procedures relating to amici curiae, summonses of witnesses and experts, recordkeeping and procedures for the restitution of property in connection with compensation for victims; and procedures relating to appellate and review proceedings, pardons and commutations of sentence;

(d) Registry Advisory Section: negotiation of international agreements on the enforcement of sentences and relocation of witnesses; liaison with the host country on privileges and immunities of judges and staff; and drafting of policy papers, directives and guidelines relating to legal practice;

(e) Detention facility management: provision of a secure detention facility for detainees; provision of a remand programme in accordance with international standards and in adherence to the Tribunal's Rules of Detention; negotiation and cooperation with the host State authorities to ensure that the detention facilities of the Tribunal meet the standards set out in existing agreements and required by non-governmental organizations responsible for monitoring such facilities;

(f) Conference and language support: provision of simultaneous interpretation for all court hearings into and from English, French and Bosnian/Croatian/Serbian, and consecutive interpretation during interviews of victims and witnesses; translation from and into English, French and Bosnian/Croatian/Serbian for the Registry, the Chambers, the Office of the Prosecutor and the defence; and transcripts of court proceedings in English and French for every hearing in the courtroom and the plenary meetings of judges;

(g) Publications: publication of various information materials relating to court activity and the broader work of the Tribunal;

(h) Electronic, audio and video issuances: production and broadcast (in electronic format) of trial exhibits within the courts; and time-delayed video broadcasting of Tribunal proceedings to public areas of the Tribunal and real-time audio broadcasting of Tribunal proceedings to the public gallery of the courtroom in English, French and Bosnian/Croatian/Serbian;

(i) Booklets, pamphlets and fact sheets: publication of regular bulletins of Tribunal activities;

(j) Press releases: issuance of press releases to the local, national and international press regarding trial activities;

(k) Library services: provision of library services regarding international and national law relevant to the operations of the Tribunal for the use of judges, staff and defence counsel; and provision of online information services to assist staff, in particular the legal officers and judges, with legal research and greater access to bibliographic information;

(l) Administrative support: processing of financial documents; preparation of the proposed budget for the biennium 2010-2011 and annual performance reports for the biennium 2008-2009; exercise of budgetary control and post management in respect of assessed budget and extrabudgetary resources; formulation of draft administrative responses to external and internal oversight bodies; screening of applications for vacant posts; implementation of staff development and training programmes; arrangement of travel and issuance of tickets and vouchers for judges, staff members, witnesses and other persons; undertaking of property management and inventory control; implementation, operation and maintenance of the information technology infrastructure; purchase and contracting of goods and services; and provision of a safe and secure environment for all VIPs, staff, visitors and detainees.

Table 9
Resource requirements

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011 (before recosting)	2008-2009	2010-2011
Assessed budget				
Post	110 747.6	90 308.3	537	429
Non-post	125 981.4	100 356.4	—	—
Staff assessment	21 998.5	16 304.3	—	—
Subtotal	**258 727.5**	**206 969.0**	**537**	**429**
Extrabudgetary	3 129.9	1 363.1	—	—
Total	**261 857.4**	**208 332.1**	**537**	**429**

Table 10
Post requirements

Category	2008-2009 revised appropriation	Proposed reduction		Extrabudgetary		Total	
		1 January 2010	1 January 2011	2008-2009	2010-2011	2008-2009	2010-2011
Professional and above							
ASG	1	—	—	—	—	1	1
D-1	3	1	—	—	—	3	4
P-5	16	(3)	(1)	—	—	16	12
P-4/3	136	2	(19)	—	—	136	119
P-2/1	60	(1)	(16)	—	—	60	43
Subtotal	**216**	**(1)**	**(36)**	—	—	**216**	**179**
General Service							
Principal level	10	—	—	—	—	10	10
Other level	176	(1)	(22)	—	—	176	153
Subtotal	**186**	**(1)**	**(22)**	—	—	**186**	**163**
Other							
Security Service	135	(4)	(44)	—	—	135	87
Subtotal	**135**	**(4)**	**(44)**	—	—	**135**	**87**
Total	**537**	**(6)**	**(102)**	—	—	**537**	**429**

70. Resources under posts and staff assessment in the amount of $90,308,300 and $16,304,300, respectively, would provide for the continuation of 429 temporary posts required during the biennium 2010-2011. The reduction under posts ($20,439,300) and staff assessment ($5,694,200) relates to the gradual abolition or redeployment of 108 posts in 2010 and 2011, consisting of 37 Professional, 23 General Services (Other level) and 48 Security Service posts, and the removal of the biennium 2008-2009 first-year provision for the 128 posts abolished as of 1 January 2009.

71. The phasing out of the functions of posts in the Registry will be implemented in stages throughout the biennium 2010-2011 in line with the completion of first-instance trials and the consequential reduction in the workload, as follows: (a) October 2010: 4 posts (2 P-5, 1 P-4 and 1 General Service (Other level)); (b) November 2010: 5 posts (1 P-2 and 4 Security Service); (c) January 2011: 26 posts (2 P-4, 2 P-3, 4 P-2, 6 General Service (Other level) and 12 Security Service); (d) March 2011: 70 posts (1 P-5, 6 P-4, 11 P-3, 12 P-2, 16 General Service (Other level) and 24 Security Service); and (e) April 2011: 8 posts (8 Security Service). In order to ensure that the Registry has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that 9 posts whose functions will be phased out during 2010 be abolished as of 1 January 2010 and 104 posts whose functions will be phased out during 2011 be abolished as of 1 January 2011, but that funding be provided through general temporary assistance to enable these critical functions to be maintained to support the trials to be held and completed at different dates during the biennium, as described above.

72. As indicated in paragraph 54 above, it is also proposed to redeploy one P-4 and one P-3 post from the Office of the Prosecutor to the Press and Information Office effective 1 January 2010 to strengthen the latter Office, and one P-4 and one P-3 post from the Office of the Prosecutor to the Immediate Office of the Registrar to support the preparatory legal work associated with residual functions.

73. In addition, it is proposed to reclassify the post of Chef de Cabinet of the President of the Tribunal from P-5 to D-1 by redeploying a D-1 post from the Office of the Prosecutor to the Office of the President of the Tribunal, which is part of the Judicial Support Division in the Registry. The reclassification is proposed in view of the increased amount and range and the changed nature of the responsibilities of the post in all its functions, judicial, quasi-judicial and non-judicial.

74. The P-5 post made available from this reclassification would be redeployed from the Judicial Support Division to the Immediate Office of the Registrar to accommodate the post of Chief of that office. The functions of the post would include overseeing the transition to residual functions and the strategy of the Tribunal, as well as overseeing the two Legal Officers (P-4 and P-3) it is proposed to redeploy from the Office of the Prosecutor in support of legal issues associated with residual functions, as described in paragraph 72 above.

75. It is also proposed to reclassify the position of Chief of the General Services Section downward from the P-5 to the P-4 level to better reflect the level of responsibilities of the post in view of the reduction of the office's workload. The reduction of posts will allow the Tribunal to close one of its three buildings in The Hague (Annex building) by the end of March 2011.

76. Non-post requirements in the amount of $100,356,400 net are requested for the biennium, reflecting a decrease of $25,625,000. The decrease, which is consistent with the reduced staffing levels associated with the completion of trials, comprises reduced requirements under travel ($1,126,100), contractual services ($22,247,700), general operating expenses ($2,941,300), supplies and materials ($423,700), furniture and equipment ($803,600) and alterations to premises ($78,200), partially offset by an increase under other staff costs mainly due to the provision for continuation of some critical functions of posts which, for reasons described in paragraph 71 above, are proposed for abolition during the biennium.

77. The provision under other staff costs also includes a provision to cover the functions of posts abolished in 2009 and subsequently funded through general temporary assistance which are still needed during the biennium 2010-2011. It is proposed to gradually reduce these requirements during the biennium. The total requirements for the biennium are estimated at 1,952 work-months.

D. Records management and archives

78. In June 2007, an archive strategy meeting was held in The Hague with the participation of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Archives and Records Management Section and the Office of Legal Affairs of the United Nations to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two international tribunals.

79. Resulting from the findings of that meeting, the Tribunal identified the resource requirements for the archives and recordkeeping strategy needed, during the biennium 2008-2009, to ensure the completion of the Tribunal's mandate, both in terms of legacy requirements, including preserving the evidence of the work of the Tribunal for the Organization and making those records available for public access, and the residual mechanisms which will succeed the tribunals. In addition, in order to better support the archives functions of the Tribunal, it was recommended that, for budgetary purposes, all archiving-related functions of each organ of the Tribunal (Chambers, Office of the Prosecutor and the Registry) be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions Tribunal-wide.

80. Based on the above recommendations, the General Assembly approved provisions amounting to $4,549,100 for the biennium under a new component of the budget of the Tribunal to cover the requirements needed to support archives and recordkeeping activities during the biennium 2008-2009. The requirements included support for various archiving-related projects aimed at: (a) ensuring that the records met the required preservation and archiving standards following the completion of the mandate; and (b) supporting future official access by the entity entrusted with post-Tribunal functions, as well as access by the public at large. In particular, provisions were requested for data input of information about Tribunal records and archives into the TRIM records management database to ensure the smooth transfer of Tribunal records (paper, electronic and audio-visual records) at the closure of the Tribunal. The second substantial area of work for which resources were required was to commence the digitization (scanning) of priority groups of Court records to ensure maximum opportunity for access to public information when the Tribunal completes its mandate. The achievements of the Tribunal records management and archives component during the biennium 2008-2009 are detailed below. In order to facilitate effective implementation of the completion strategy and the strategic plan for the archives of the Tribunal, the Archives and Records Management Unit has focused on centralizing the archiving functions in the Tribunal through its support of all organs. The achievements of the unit include:

(a) The signing, at the end of 2007, by senior management from across all organs and sections of the Tribunal of the final version of a high-level document

entitled "Vision and strategic plan for the archives of the International Tribunal for the Former Yugoslavia". Subsequently, each point contained in that document was systematically implemented. This has resulted in various work-packages and projects throughout the Tribunal, which have been overseen by the Archives and Records Management Unit;

(b) The Archives and Records Management Unit, acting as the requisitioning office for a large archives project, unprecedented in the United Nations, to digitize the audio-visual recording of court proceedings;

(c) Preparation of a report on the assessment of and strategy for managing records in the Business Information Systems and application of judicial support services of the International Tribunal for the Former Yugoslavia, which has formed the basis for managing the judicial records of the Tribunal;

(d) Implementation and oversight of the initiative to preserve the Investigation Teams' records in the Office of the Prosecutor;

(e) Development of a pilot project regarding the authentication of electronic versions of administrative records. This will drastically reduce the need for the transfer and storage of physical records at the end of the mandate;

(f) Supporting various scanning projects throughout the Tribunal with project management, the implementation of records management software and the contribution of staff time. In particular, the Archives and Records Management Unit was responsible for groups of substantive archival records from the Chambers, the Office of the Prosecutor and the Registry being scanned for preservation and access;

(g) Revision of the Tribunal's records retention schedules. These are currently being reviewed by the Archives and Records Management Section and the Office of Legal Affairs at United Nations Headquarters and will establish what each office of the Tribunal is responsible for keeping and for what duration;

(h) Facilitation of the disposal of non-archival records that were set for destruction in accordance with the United Nations policy on retention of administrative records;

(i) Supporting data-entry initiatives throughout the Tribunal through the implementation of records management software, the configuration of standards and the allocation of staff to assist in areas with deficiencies;

(j) Participation in the joint tribunals' archives strategy meetings with the International Criminal Tribunal for Rwanda and the Archives and Records Management Section, resulting in the streamlining of initiatives between the tribunals and creating greater efficiency;

(k) Supporting the work of the Advisory Committee on the Archives of the Tribunals for the Former Yugoslavia and Rwanda.

81. During the biennium 2010-2011, the Archives and Records Management Unit intends to continue implementing initiatives already under way in their next phases, as well as the strategic plan for the archives of the Tribunal. To this end the Archives and Records Management Unit will:

(a) Focus on bringing the archives and records of the Office of the Prosecutor into line with those of the other organs of the Tribunal;

(b) Facilitate online access to the digital version of recordings of courtroom proceedings, while continuing the digitization process;

(c) Continue to store the Tribunal's archives (both in physical and electronic form) in a consolidated, well organized and easily searchable archival database;

(d) Offer continuing support for the creation of redacted versions of confidential material (in all formats) in order to provide a public version of the Tribunal's archives via the Tribunal's online judicial database;

(e) Play a central role in developing policy on how the Tribunal, the residual mechanism and the United Nations will deal with the ongoing declassification and disclosure of confidential documents as their status changes in the coming years;

(f) Ensure that a standardized approach to archiving is developed within the Tribunal, the International Criminal Tribunal for Rwanda and the Archives and Records Management Section.

Table 11
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2008–2009*	*2010–2011 (before recosting)*	*2008–2009*	*2010–2011*
Assessed budget				
Non-post	4 549.1	3 786.3	—	—
Total	**4 549.1**	**3 786.3**	—	—

82. The non-post requirements, amounting to $3,786,300, consist of general temporary assistance to cope with the increase in records and archives-related work as the Tribunal moves towards closure ($1,831,300); consultants and experts to support the implementation of the archives strategy framework and migration to the TRIM platform and to advise the Tribunal on issues associated with digital preservation ($60,000); official travel for two staff members to attend three meetings between representatives of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Archives and Records Management Section in Arusha and New York ($25,000); contractual services for the digitalization of audio-visual records ($510,000); and acquisition of additional electronic storage required to store the digitalized audio-visual records and new software for an enterprise-level infrastructure, database and end-user interface to support the migration of data from the various database and information systems into a centralized database ($1,360,000).

E. Liabilities for payment of pensions to judges and surviving spouses

83. The permanent judges of the Tribunal are eligible to retirement benefits in accordance with the conditions of service and compensation applicable to the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. At present, pension benefits payable to former judges are provided for in the biennial budget of the Tribunal. However, the current practice would not be a viable option after the closure of the Tribunal and therefore

an actuarial study was conducted in September 2009 by a consulting actuary to determine the accrued liability with respect to this entitlement. Based on the results of the actuarial valuation of the pension scheme for judges at the Tribunal the present value of the accrued liability for future pension benefits as at 31 December 2011 relating to 15 former judges and one beneficiary in receipt of pensions and 13 current judges is estimated to be $20,171,000.

84. In response to the request for financing of this liability in the context of the proposed budget for the biennium 2008-2009, the General Assembly, in resolution 62/230, requested the Secretary-General to include information on specific parameters of the management of the funds to be appropriated to meet future requirements for pension benefits of the judges of the International Tribunal for the Former Yugoslavia and eligible beneficiaries in a future report. In the same resolution, the General Assembly decided to revert to the issue of funding of the pension-related liabilities of the International Tribunal for the Former Yugoslavia at its sixty-fourth session.

85. Based on consultations carried out with investment officials of the United Nations Joint Staff Pension Fund, it has been decided that it would be prudent to adopt the investment policy of the Fund, details of which are provided below:

(a) The envisaged investment policy would reflect the strategic purpose of funding liabilities and would take into account the safety, profitability, convertibility and liquidity of investments;

(b) Safety would be achieved by ensuring adequate asset class, geographical, currency, sector and industry diversification, by carefully researching and documenting investment recommendations and constantly reviewing the portfolio in order to take advantage of the unsynchronized economic cycles, market and currency movements. Asset classes are all subject to market risk and safety is a relative term in this regard;

(c) Profitability would require that each investment at the time of purchase is expected to earn a positive total return, taking into account potential risk, in particular market risk, which is common to all securities of the same general class and commonly can be mitigated but not eliminated by diversification;

(d) Convertibility is the ability to readily convert investments into liquid currencies. Convertibility facilitates payments in local currencies. The fiduciary responsibility mandates that, owing to the United States dollar-based market valuation of funds and the United States dollar-based appraisal of the Fund's actuarial soundness, all investments should be readily and fully convertible into United States dollars;

(e) Liquidity is the ready marketability of the assets in recognized sound, stable and competitive exchanges or markets. Liquidity is required to ensure that the portfolio can be restructured in the shortest possible time in order to enhance total return and/or to minimize potential losses. It is noted that there may be attractive investment opportunities that require long-term commitments and that investments in longer-term asset classes, such as real estate, would require the concurrence of the representative of the Secretary-General;

(f) Funds would be managed by the Investment Management Service of the United Nations Joint Staff Pension Fund and follow the established practice of the

United Nations University Endowment Fund in that funds would be managed by the Investment Management Service but would not be pooled with the United Nations Joint Staff Pension Fund proper.

86. With regard to the liabilities pertaining to after-service health insurance, it is recalled that the General Assembly, in resolution 62/230, endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions contained in its report on the proposed budgets for the biennium 2008-2009 of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda (A/62/578), among other recommendations, that the proposed funding for after-service health insurance of the Tribunals be taken up in the context of the overall review of the question of after-service health insurance. In this regard, based on a roll-forward actuarial valuation, a provision of $15.1 million, representing the present value of the accrued after-service health insurance liability of future benefits as at 31 December 2008 for the International Tribunal for the Former Yugoslavia, has been included in the report of the Secretary-General entitled "Liabilities and proposed funding for after-service health insurance benefits" (A/64/366), which will be considered by the General Assembly as its current session.

Table 12
Resource requirements

	Resources (thousands of United States dollars)		*Posts*	
Category	*2008-2009*	*2010-2011 (before recosting)*	*2008-2009*	*2010-2011*
Assessed budget				
Non-post	—	20 171.0	—	—
Total	—	20 171.0	—	—

87. The resource requirements for the financing of the accrued liability amount to $20,171,000 for the payment of pensions to judges and surviving spouses.

Table 13

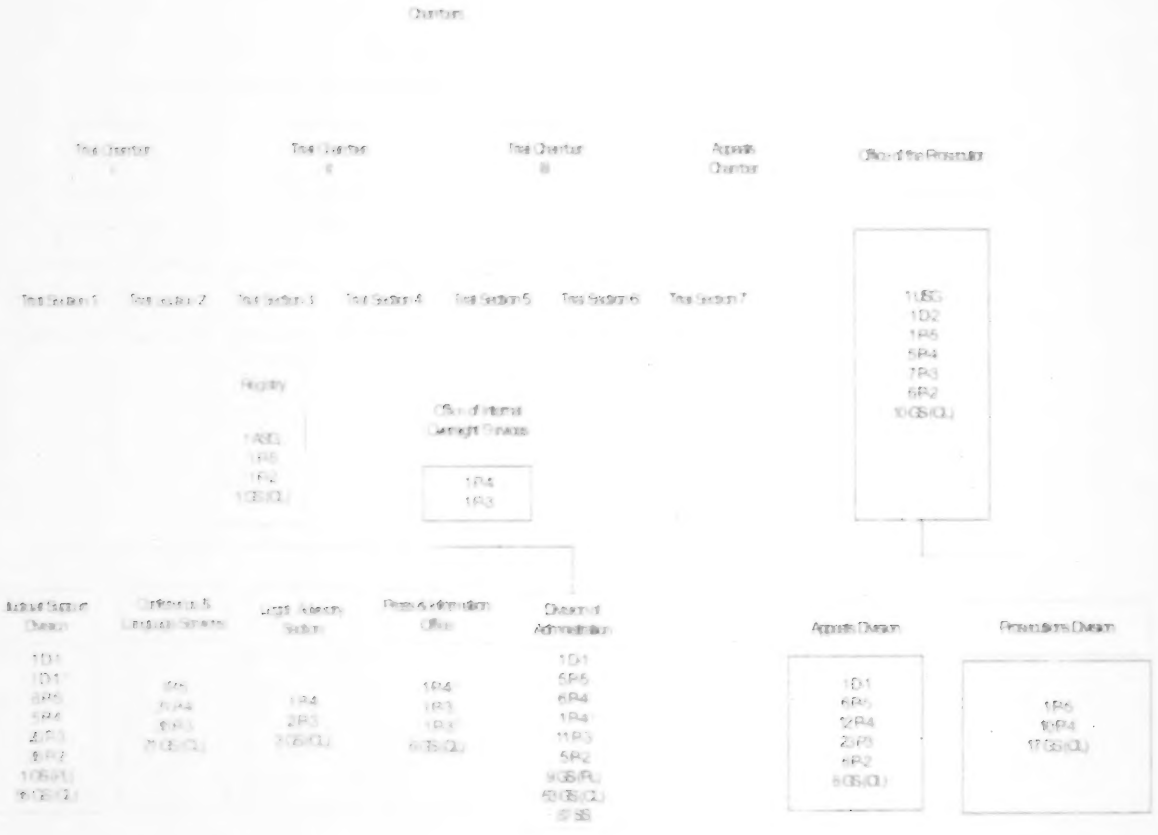
Summary of follow-up action taken to implement relevant recommendations of the oversight bodies and the Advisory Committee on Administrative and Budgetary Questions

Brief description of the recommendation	*Action taken to implement the recommendation*
Board of External Auditors (A/63/5/Add.12)	
The Tribunal agreed with the Board's recommendation to monitor further the whole process of cancellation of unliquidated obligations (para. 22).	The Tribunal's standard procedures provide for the thorough review of obligations every quarter of the year. In addition, in response to the audit observation, the Chief Administrative Officer has reminded all certifying officers, the Procurement Section and the Finance Section about the importance of accurate review and timely liquidation of obligations that are no longer required.
The Tribunal agreed with the Board's recommendation to review its present prison cell requirements and lease only the optimum number of prison cells as may be determined by applicable guidelines (para. 24).	The Tribunal is in the process of relinquishing cells that are no longer required. As cells can be returned to the Government of the Netherlands only in groups of 20 or 12 cells, the Tribunal does have excess capacity at times. Twenty cells were returned during 2009 and it is anticipated that an additional 12 will be returned by late 2010.
The Board recommended that the Tribunal consider making a provision for delays in the collection of outstanding contributions pursuant to paragraph 33 of the United Nations system accounting standards (para. 28).	The General Assembly, in its resolution 53/204, endorsed the comments made by the Advisory Committee on Administrative and Budgetary Questions in its report (A/53/513), including the Advisory Committee's view that assessed contributions are collectable until the General Assembly decides otherwise. Further, in its resolution 61/233 B, the Assembly reiterated that the issue of outstanding assessed contributions was a policy matter of the General Assembly. The Tribunal is therefore not in a position to implement the recommendation, which falls under the purview of the Assembly. The Organization's policies with regard to the accounting treatment of uncollected assessed contributions are in compliance with General Assembly decisions and the United Nations system accounting standards.
The Board recommended that the Tribunal develop a proposed financing plan in order to settle end-of-service liabilities relating to staff members at the time of the closure of the operations of the Tribunal (para. 40).	The Tribunal's budget proposal for the biennium 2008-2009 included provisions, based on actuarial valuations, for after-service health insurance and judges' pensions in order to finance the accrued liabilities. However, in its

Brief description of the recommendation	*Action taken to implement the recommendation*
	resolutions 61/264 and 62/230, the General Assembly decided to revert to the question of funding for after-service health insurance at its sixty-third session and to the issue of funding the pension-related liabilities of the Tribunal at its sixty-fourth session. Thus, there are currently no provisions to meet the aforementioned liabilities. The 2010-2011 budget proposal includes a provision for payment of pensions to judges and their surviving spouses. The Secretary-General's report on liabilities and proposed funding for after-service health insurance benefit has been prepared and submitted to the General Assembly at its sixty-fourth session (A/64/366). Appropriate action will be taken on the basis of decisions made by the Assembly. With regard to the liabilities relating to annual leave and repatriation grants, these are considered part of common staff costs in accordance with established procedures and therefore no separate provisions are made. Full implementation of the recommendation is dependent on consideration by the General Assembly.
The Board recommended that the Tribunal reconsider the disclosure of the statement of cash flows to include its share in the cash pool (para. 44).	The current presentation of cash pools follows long-established practices that have been accepted by successive Boards of Auditors in all financial statements that have been certified. Under the United Nations system accounting standards, investments have been defined to specifically include those under the cash pool. As such, the cash pool is defined as an integral part of "investment" and changes in the cash pool constitute changes in investment activities, which are therefore classified under "Cash flows from investing activities", in accordance with appendix IV A of the United Nations system accounting standards. As the presentation of the cash pool as part of investing activities in the statement of cash flows is in compliance with the accounting standards, the Tribunal is not in a position to implement the recommendation.

Brief description of the recommendation	*Action taken to implement the recommendation*
The Tribunal agreed with the Board's recommendation to continue to explore ways and means of retaining existing staff in order to ensure the successful completion of its mandate (para. 49).	The General Assembly did not approve the provision of a retention incentive for Tribunal staff during its sixty-third session. However, it requested the Secretary-General to use the existing contractual frameworks to offer contracts to staff, in line with the trial schedule. The Tribunal, while welcoming the above measure, is of the view that the extension of contracts by itself will not be sufficient to mitigate the high rate of attrition expected during the last years of the Tribunal. The Tribunal will continue to develop proposals for the consideration of the General Assembly and the International Civil Service Commission to encourage staff to remain with the Tribunal until such time as their services are no longer needed.
The Tribunal agreed with the Board's recommendation to adopt a similar remuneration package for defence counsels handling cases on appeal (para. 53).	The Tribunal is in agreement with the recommendation and is currently working on an appeals legal aid policy of a lump-sum nature. The concept has been discussed with the defence counsels, who have indicated acceptance in principle. A draft policy is therefore being prepared and will shortly be circulated to the Association for Defence Counsel Practising Before the International Tribunal for the Former Yugoslavia. Full implementation of the recommendation is expected by the end of the first quarter of 2010.

International Tribunal for the Former Yugoslavia
Organizational structure and post distribution for the biennium 2010-2011



Abbreviations: GS, General Service; PL, Principal level; OL, Other level.

[a] Reclassification.

[b] Redeployment from the Office of the Prosecutor.